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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,492	03/14/2001	Shigeho Ogawa	450100-03064	3619

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NEW YORK, NY 10151

EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,492

Applicant(s)

OGAWA ET AL.

Examiner

Linh LD Son

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is written in responding to the RCE filed on 04/25/05.
2. Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by deCarmo, US Patent No. 6760915B2.
5. As per claims 1 and 4-6, deCarmo discloses "An information playback apparatus for playing back a recording medium on which image information is recorded" in (Col 3 lines 25-30), "comprising: first fetching means for fetching identification information, input by a user, used for identification of a recording medium" in (Col 5 lines 20-25, and Col 8 lines 10-30); "second fetching means for fetching a permission condition, input by the user, for permitting playback of the image information recorded on a recording medium" in (Col 7 lines 43-50, and Col 8 lines 57-67); "storage means for storing the

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identification information fetched by said first fetching means and the permission condition fetched by said second fetching means" in (Col 3 lines 25-30); "extraction means for extracting the identification information recorded on a recording medium loaded in said information playback apparatus" in (Col 6 lines 38-45, and Col 8 lines 34-55); "first comparison means for comparing the identification information extracted by said extraction means and the identification information stored in said storage means with each other" in (Col 9 lines 55-65, Col 5 lines 20-25, and Col 8 lines 34-55); "third fetching means for fetching a permission condition when the identification information extracted by said extraction means and the identification information stored in said storage means coincide with each other" in (Col 10 lines 50-65); "second comparison means for comparing the permission condition fetched by said third fetching means and the permission condition stored in said storage means with each other; and control means for controlling playback of the image information recorded on the recording medium in response to a result of the comparison by said second comparison means" in (Col 8 lines 34-56), "wherein said user is able to increase a value of said identification information input by a user (Col 4 lines 49-64, and Col 8 lines 10-30 and lines 60-67 (multiple registration of video stream sources), used for identification of a recording medium and a value of said identification information recorded on a recording medium loaded in said information playback apparatus" in (Col 4 lines 49-64, Col 5 lines 20-25, and Col 8 lines 10-30 and lines 60-67).

7. As per claim 7, deCarmo discloses "The information playback apparatus according to claim 6, wherein the permission condition derived from said recording medium is afforded a higher weighting than the viewing permission information.

8. **Claims 8-11, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al, US Patent No. 6385388B1, hereinafter "Lewis".**

9. As per claims 8 and 13, Lewis discloses "A method for controlling playback of a recording medium comprising: establishing a permission condition associated with a playback device, as a function of first input by a user" in (Col 2 lines 53-65); "storing the permission condition; establishing a recording medium identification for each of one or more recording media, as a function of second input by the user" in (Col 3 lines 23-27, Col 3 lines 30-44, Col 4 lines 12-20, line 25, Col 5 lines 20-35); "storing the recording medium identification for each of the one or more recording media; and comparing the stored permission condition and the stored recording medium identification for a particular recording medium, wherein when the permission condition satisfies a predetermined relationship with the recording medium identification, a valid password, input by a user, is required to initiate playback of the particular recording medium" in Col 6 line 63 to Col 7 line 20), "wherein said user is able to increase a value of said permission condition associated with said playback device and a value of said recording

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medium identification for each of said one or more recording media" in (Col 3 lines 12-40, and (Col 5 line 53-67).

10. As per claims 9, and 14, Lewis discloses "An information playback apparatus according to claims 8, and 14, wherein the permission condition includes a password" in (Col 7 lines 7-20).

11. As per claims 10, and 15, Lewis discloses "An information playback apparatus according to claims 8, and 15, wherein the permission condition includes a parental level" in (Col 5 lines 60-67).

12. As per claims 11 and 16, Lewis discloses "The method according to claims 8 and 13 further comprising: determining an eject condition; and requiring the user to provide the valid password to initiate playback of the particular recording medium following the eject condition" in (Col 7 lines 38-49).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over deCarmo in view of Lewis.

15. As per claims 2, deCarmo discloses "An information playback apparatus according to claims 1". However, deCarmo does not teach "the permission condition includes a password". Nevertheless, Lewis does teach this feature in (Col 7 lines 7-20). Therefore, it would have been obvious at the time of the invention for one having ordinary skill in the art to incorporate Lewis's feature in deCarmo's invention to further protect the disc being tampered with.

16. Claims 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Mages et al, US Patent No. 6035329, hereinafter "Mages".

17. As per claims 12 and 17, Lewis discloses "The method according to claims 8 and 17 further comprising storing a parental level for each of the one or more recording media" in (Col 5 lines 30-35). However, Lewis does not teach of storing the password for each of the one or more recording media. Nevertheless, Mages discloses the "Method of Securing the Playback of a DVD-ROM Via Triggering Data Sent Via a Cable Network" invention, which includes a teaching of encoding the password in the media for playing protection in (Col 4 lines 5-20). Therefore, it would have been obvious at the time of the invention for one having ordinary skill in the art to incorporate Mages's

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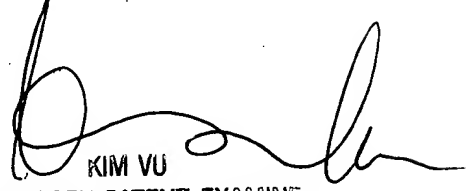
feature with Lewis' invention to further add a second layer of playback protection on the media.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135


KIM VU
SUPERVISORY PATENT EXAMINER
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